

Office of the  
CLARK COUNTY LAND USE HEARING EXAMINER

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Form DS1333

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**NOTICE TO PARTIES OF RECORD**

**Project Name:** THE ORCHARD AT SALMON CREEK SUBDIVISION

**Case Number:** PLD2009-00037; SEP2009-00062; WET2009-00048;  
EVR2009-00030; GEO2009-00018

The attached decision of the Land Use Hearing Examiner is final unless appealed. An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Mailed on: **December 4, 2009**

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PLD2009-00037  
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The Orchard @ Salmon Crk POR  
PLD2009-00037  
HEARING DATE: 11/22/09

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**BEFORE THE LAND USE HEARINGS EXAMINER  
OF CLARK COUNTY, WASHINGTON**

Regarding an application by Kessi Consulting for	)	<b><u>FINAL ORDER</u></b>
approval of a preliminary plat to divide 5.93	)	
into 10 lots in the R1-10 zone at 12400 NE 42 <sup>nd</sup>	)	<b>PLD2009-00037<sup>1</sup></b>
Avenue in unincorporated Clark County, Washington	)	<b>(Orchard at Salmon Creek)</b>

**A. SUMMARY**

1. The applicant, Kessi Consulting, requests approval to divide the roughly 5.93 site into 10 lots and a 2.78-acre open space tract containing a regulated stream, wetlands and wildlife habitat areas. The site is located at 12400 NE 42<sup>nd</sup> Avenue; also known as known as tax lot 151 (186315-000), Section 25, Township 3 North, Range 1 East, of the Willamette Meridian (the "site"). The site and surrounding properties are zoned R1-10 (Low Density Residential, 10,000 square foot minimum lot size). The applicant proposed to develop the site in four phases. The site is currently developed with an existing residence, a barn, and a tree house. The applicant proposed to remove the barn and retain the existing residence on proposed Lot 1. The applicant also intends to retain the tree house, if possible. The applicant will construct a new single-family detached dwelling on each of the remaining proposed lots. All proposed lots will comply with the minimum dimensional standards for the R1-10 zone, as modified by the density transfer ordinance. Clark Public Utilities and Clark Regional Wastewater will supply domestic water and sanitary sewer service respectively to the site. The applicant will extend a NE 124<sup>th</sup> Street through the site from its existing terminus at the east boundary of the site, terminating in a temporary turnaround at the south end of the site. The street will be further extended in the future when the abutting property to the south redevelops. The applicant will collect stormwater runoff from the impervious areas of the site and convey it to stormwater facilities within the site for treatment and discharge via on-site infiltration.

2. The County issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). Hearings Examiner Joe Turner (the "examiner") conducted a public hearing about the application. County staff recommended that the examiner approve the application subject to conditions. See the Development and Environmental Review Staff Report and Recommendation to the Hearings Examiner dated November 9, 2009 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report, as modified at the hearing, without exceptions. Three persons testified in writing with questions and concerns about the street alignment and existing easements. See Exhibits 15, 18 and 32.

3. Based on the findings provided or incorporated herein, the examiner approves the preliminary plat subject to the conditions at the end of this final order.

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<sup>1</sup> This decision also addresses SEP2009-00062, WET2009-00048, EVR2009-00030 and GEO2009-00018.

## **B. HEARING AND RECORD HIGHLIGHTS**

1. In response to public notice, the following written comments were received:

a. A letter was received on October 16, 2009 from Teri Hall, 1230 NE 43<sup>rd</sup> Avenue [Exhibit 15]. In her correspondence, Ms. Hall voiced concerns about the cul-de-sac design of NE 124<sup>th</sup> Street not providing “the ability to tag onto the dead end road in Hermitage Springs” to the south.

### **Staff Response**

The applicant has modified the layout of the proposed subdivision. In addition, a road modification request (EVR2009-00030) to allow for a private cul-de-sac road has been withdrawn (*See Transportation Finding 4 below*). The revised plan [Exhibit 23] now shows NE 124<sup>th</sup> Street/40<sup>th</sup> Avenue providing a connection to future development on adjacent property to the south.

b. Emails were received from Gregg and Pat Levitt, 4217 NE 124<sup>th</sup> Street, on October 20, 2009 [Exhibit 18] and on November 3, 2009 [Exhibit 32]. One of them is on the Board of the Home Owners Association for the adjacent Greyhawk Ridge Subdivision. They raised the following questions:

i. Are the Bonneville Power Administration (BPA) easements to be returned to the Greyhawk Homeowners? Also the survey markings for this easement appear incorrect.

### **Staff Response**

The BPA easement runs along the western boundary of several lots within Greyhawk Ridge. Questions regarding possible vacation of this easement must be directed to BPA. There is, however, a 10-foot private road and utility easement identified on the plat for Greyhawk Ridge at Pleasant Valley Phase 2, which has been granted to the 5.93 acre development site (Lot 151). A note (#7) on said plat indicates this easement “will be extinguished upon development approval applicable to tax lots....151...requiring that access be provided through extension of ...NE 124<sup>th</sup> Street...”. A condition of approval requires the applicant to address this issue prior to recordation of the final plat for Phase 1 (*See Transportation Finding 3 and Condition D-4*). It should be noted that extinguishment of the utility portion of this easement may be beyond control of the applicant. If said easement is either occupied or used by a utility company, said utility may not agree to relinquish their interest.

As part of the submitted materials, the applicant provided a copy of a 2009 recorded survey for the development site prepared by a surveyor, who is licensed in the State of Washington. Such surveys generally do not establish off-site easements. In the absence of supporting documentation contradicting this survey, there is no factual basis to substantiate that the survey is in error.

ii. Will the line of pine trees bordering Lot #1 and #10 be removed? Will the large maple tree on Lot 10 be preserved?

Staff Response

Other than environmentally sensitive areas, the county does not have regulations that prohibit an applicant from removing trees/greenery during development of a project. The county does, however, encourage developers to preserve as many trees as possible but recognizes there are a number of factors that may limit which and how many of the trees can be retained.

The applicant has indicated [Exhibit 33] that “the intent is to preserve and retain trees where possible in the subdivision as trees add depth and added benefits.” If a tree is determined to be potentially hazardous, diseased, or unsafe, however, the owner of an individual lot will make a final determination on tree preservation.

iii. Will the bio-filter swale be fenced? Will it be visible to Greyhawk Ridge neighbors? Who will maintain the swale?

Staff Response

As proposed, the stormwater facilities will be underground and, as a result, will not be visible to neighbors. In addition, fencing will not be required.

The preliminary stormwater report submitted with the application indicates the facilities are proposed to be privately owned and maintained (*See Stormwater Finding 2 below*). In his written response on this issue [Exhibit 33], the applicant states that “storm facilities and storm facility tracts are proposed to be public” which means they would be maintained by the County. This issue needs to be clarified at the hearing.

iv. Will Lot #10 be a flag lot due to the bio-filter?

Staff Response

Lot 10 is not being proposed as a flag lot.

v. Will the wetlands be preserved?

Staff Response

The wetlands and wetland buffers, approximately 2.8± acres of the site, will be placed in an open space tract for protection. See Wetland findings.

vi. How much additional traffic will be planned for NE 124th street into the subdivision?

Staff Response

The applicant has submitted a traffic study that indicates the proposed subdivision will consist of 9 new single-family residential lots. The study estimated the weekday a.m. peak-hour trip generation at 7 new trips, while the p.m. peak-hour trip generation is estimated at 9 new trips, with average daily trips estimated at 86.

These trip generations have been estimated using nationally accepted data published by the Institute of Transportation Engineers. See Concurrency findings.

vii. We would prefer not to have a gated entry due to traffic & noise concerns along with toxic fumes from standing vehicles.

Staff Response

As previously noted, the subdivision plan has been revised so that a gated entry is no longer being proposed.

viii. Will the development require a sewage pumping station?

Staff Response

The sanitary sewer purveyor for this project is Clark Regional Wastewater District. As a result, any requirements for providing sewer service to this project falls under the auspices of the District. The best route for extending the sewer line, and any requirements for so doing, will ultimately be determined by the District. Based on a Utility Review letter submitted for this project, however, it does not appear the District will require a pumping station.

ix. We would request that the road to the construction area and existing driveway to Lot #1 be paved and kept clean during all phases of construction.

Staff Response

The County's Road Standards require driveways to have a minimum width of 12 feet of clear unobstructed all-weather surface. The County's Development Engineering staff will ensure compliance with this requirement.

An erosion and dust control plan is required by County Code. Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

x. If approved, when will construction begin on the project?

Staff Response

Preliminary plan approval is valid for a period of 5 years. When construction actually occurs will be determined by the developer.

Due to a lack of demand for lots and housing in Clark County, the applicant does not anticipate subdivision construction will begin until the end of the approval period. However, any construction will ultimately be determined by market conditions [*Exhibit 33*].

2. The examiner received testimony at a public hearing about this application on November 24, 2009. That testimony and evidence, including a videotape of the public hearing and the case file maintained by the Department of Community Development ("DCD"), are included herein as exhibits, and they are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

3. County planner Vicki Kirsher summarized the Staff Report and showed photographs of the site. She noted that the applicant clarified that the stormwater facilities will be public. Exhibit 40. County transportation engineering staff modified the findings and conditions in the Staff Report, Exhibit 41. She recommended the examiner approve the application subject to the modified findings and conditions.

4. Engineer James Kessi testified on behalf of the applicant and accepted the findings and conditions in the Staff Report, as modified by Exhibit 41. He testified that he hopes to retain the existing tree house on the site.

5. The examiner closed the record at the end of the hearing and announced his intention to approve the proposed development subject to the conditions of approval in the Staff Report, as amended at the hearing.

### **C. FINDINGS:**

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their reports, by agency comments, by the applicant and others. The Examiner adopts the following findings with regard to each:

### **LAND USE:**

#### **Finding 1 – Density Transfer**

The proposed subdivision is situated within an R1-10 zoning district. For those properties containing certain specific sensitive areas, the zone has provisions to transfer the allowable density for said sensitive areas to the remaining unencumbered land areas on the same development site. The applicant's proposal qualifies for this density transfer option because approximately 2.8± acres of the site are encumbered with steep slopes and wetlands.

CCC 40.220.010(C)(5)(b)(2) specifies that "the maximum number of units that can be achieved on the site is based on the density in Table 40.220.010-4, multiplied by the gross acreage of the entire site, both encumbered and unencumbered, without deducting for road easements or right-of-way." The actual number of lots that can be achieved is determined by site characteristics and the prescribed minimum lot standards.

Based on the above formula, the maximum number of parcels allowed on this site is 20. The applicant is proposing to divide the property into 10 lots, which is well within the number allowed by the ordinance. In accordance with CCC 40.220.010(C)(5)(b)(7), however, a recorded covenant shall be placed on those areas from which density is



transferred prohibiting any development of the parcel inconsistent with its intended use. Said covenant shall be recorded in conjunction with Phase 1 (*See Condition D-1*).

#### Finding 2 – Phasing Requirements

The applicant is proposing to develop the subdivision in four (4) phases. As per CCC 40.540.050(D)(4), the applicant shall show:

- a. *The phasing plan includes all land within the preliminary plat;*
- b. *Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision; and*
- c. *All road improvement requirements are assured.*

#### Finding 3 – Lot Standards

In accordance with CCC 40.220.010(C)(5)(b)(8), the subdivision shall be subject to maximum lot area provisions of the R1-10 zoning district. This zone specifies that the maximum average lot area allowed is 15,000 square feet. Based on lot sizes noted on the revised preliminary plan [*Exhibit 23*], the average lot area for this development is 11,133 square feet [*Exhibit 36*]. This criterion is met.

Per 40.220.010(C)(5)(b)(3), the minimum lot depth of any lot abutting environmentally sensitive lands shall be 55 feet. For parent parcels larger than two and one-half (2.5) acres, resulting lots abutting adjacent R1-10 zoned properties shall also comply with requirements set forth in CCC 40.220.010(C)(5)(b)(4)(a). This code provision specifies the newly created parcels must contain at least 9,000 square feet. In addition, these parcels shall have a minimum lot depth of 72 feet and a minimum lot width of 70 feet.

In accordance with CCC 40.220.010(C)(5)(b)(4)(b), for resulting lots which are interior (not a part of the parent parcel abutting an adjacent property line) to the site shall conform to the lot requirements set out in Table 40.220.010-4. These standards include an average lot width of 70 feet and an average lot depth of 50 feet. In addition, these lots shall have a minimum useable lot area of 4,500 square feet.

A review of the revised preliminary plat [*Exhibit 23*] reveals that all resulting lots meet the above dimensional requirements. Provided the wetland tract is included as part of Phase 1, all lots will also contain sufficient area to meet the lot size standards specified above (*See Condition D-2-a*). With this condition, the proposed subdivision in its entirety meets lot standard requirements, as does each individual phase.

#### Finding 4 – Setbacks/Lot Coverage

NE 40<sup>th</sup> Avenue is proposed to end as a temporary turnaround at the southern boundary of the site. Per 40.200.070(B)(3), in residential zoning districts, where a temporary turnaround easement constitutes all or part of the front lot line, front setbacks shall be a minimum of ten (10) feet from the temporary easement for the dwelling and fifteen (15) feet for the associated garage. A plat note identifying the setback from the turnaround

will be required. This note will expire when the temporary turnaround is removed (*See Condition D-11-a*).

The maximum lot coverage in the R1-10 zoning district is 50%. To ensure compliance with this code provision, a plat note to this effect will be required (*See Condition D-11-b*).

#### Finding 5 – Existing Structures

It is the applicant's intention to remove the barn from the premises prior to construction of the phase upon which they are situated. A condition will be imposed to ensure the buildings is removed with the necessary permits (*See Condition B-4*). It should be noted that, as part of these demolition permits, the applicant will be required to comply with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency identified below.

#### Finding 6 – Mobile/Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), manufactured homes are prohibited on any lot within in this subdivision (*See Condition D-11-c*).

#### Finding 7 – State Platting Standards (RCW 58.17)

With conditions of approval, the examiner finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residence to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

### **ARCHAEOLOGY:**

#### Finding 1 – Historic and Cultural Preservation

A majority of the 5.93 acre parcel is located within a Moderate to High (40 - 100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. This project is considered a high impact development. Therefore, an archaeological predetermination was required.

Archaeological Services of Clark County (ASCC) performed a survey of the property and recommended no further archaeological work. The report was reviewed by the Department of Archaeology and Historic Preservation (DAHP). The agency concurs with this recommendation [*Exhibit 16, Tab 11*]. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, DAHP shall be notified (*See Conditions A-1-a and D-11-d*).

**Conclusion (Archaeology):** The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark

## **WETLANDS:**

### **Finding 1 – Proposal**

The applicant proposes wetland buffer averaging adjacent to two wetlands to create 10 single family residential lots on an approximate 5.9 acre parcel.

### **Finding 2 – Boundaries and Buffers**

County wetlands staff concur with the wetland boundaries, ratings, and wetland buffers shown in the February 2009 Critical Areas Report [*Exhibit 6*] prepared by Ecological Land Services, and revised on October 22 and 26 [*Exhibits 25 and 27*]. The site includes Category II wetlands to the west (Unit 2) and Category III wetlands to the north (Unit 1). The Unit 2 wetland scores 22 points for Habitat Function on the rating form and requires a 120 foot buffer for the proposed High Intensity Use (CCC Table 40.450.030-2). The Unit 1 Wetland requires an 80 foot buffer, but large portions of the buffer are Functionally Isolated by steep slopes per CCC 40.450.030(E)(4)(b)(1) [*Exhibit 26*]. This finding constitutes a revision to the County's Wetland Determination issued on October 8, 2009 [*Exhibit 11*].

The wetland buffers are shown correctly on the revised Figure 2A of the Wetland Buffer Modification Plan [*Exhibit 28*]. The existing wetland buffers must be shown correctly on the Existing Conditions plan prior to construction plan approval (*See Condition A-2-a*).

### **Finding 3 – Buffer Averaging**

The applicant proposes buffer averaging as described in the June 2009 Wetland Buffer Modification Plan [*Exhibit 6*] and revised Figure 2A [*Exhibit 28*] prepared by Ecological Land Services. The proposed buffer averaging complies with CCC 40.450.040(C)(3).

**Conclusion (Wetlands):** Based upon the development site characteristics and the proposed development plan, the examiner concludes that the proposed preliminary plat and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance PROVIDED that certain conditions (A-2, C-1, D-2, and D-11-e) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **SOUTHWEST CLEAN AIR AGENCY:**

### **Finding 1 – Demolition of Structures**

In response to SEPA notice, a letter was received from Southwest Clean Air Agency (SWCCA) on October 13, 2009 [*Exhibit 13*]. The SWCAA letter cites asbestos inspection regulations that apply to demolition or renovation of existing structures. It also states that construction activities have the potential to generate dust nuisances, which are prohibited. Dust abatement measures must be employed as necessary during construction. An Air Discharge Permit is required for any proposed installation or modification that creates any new or increased source of air contaminants.

The County requires permits prior to removal and/or demolition of structures (*See Land Use Finding 5 and Condition B-4*). The demolition permit process will ensure with SWCAA requirements.

#### Finding 2 – Dust Abatement

Dust abatement measures are required during construction. The applicant has been provided with a copy of the SWCAA letter and is separately responsible for compliance with agency requirements. Compliance with the county's Stormwater and Erosion Control Ordinance will mitigate or prevent impacts from dust (*See Stormwater Findings and Condition A-8*).

### **DEPARTMENT OF ECOLOGY:**

#### Finding 1 – Toxic Clean-up

The Washington Department of Ecology (DOE) submitted a letter, dated October 16, 2009 [*Exhibit 16*]. This correspondence states that there are no known contaminated sites within a half-mile radius of the proposed development site, and advises that "if environmental contamination is discovered on the site it must be reported to Ecology's Southwest Regional Office."

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (*See Condition B-5*).

#### Finding 2 – Waste Resources

The DOE letter encourages the developer to "consider the principles of smart growth, urbanism and green building in order to reduce the impacts from the development"; most specifically those techniques referenced in the LEED (Leadership in Energy and Environmental Design) for Neighborhood Development rating system. It is also noted that landscaping should incorporate waste prevention measures and the use of organic materials. DOE also recommends using organic debris generated on-site if possible for landscaping.

The developer is also encouraged by DOE to recycle all possible leftover construction, demolition, and land clearing (CDL) materials and reduce waste generated.

The applicant has been provided with a copy of the DOE letter and is encouraged to incorporate the Departments recommendations.

#### Finding 3 – Water Quality

Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that "erosion control measures must be in place prior to any clearing, grading or construction" on site and identifies several preventative measures to be taken to ensure such discharge does not occur." An erosion and dust control plan is required by County Code (*See Condition A-8*). Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

The DOE letter also notes that the project may require a construction stormwater permit, also known as the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge Permit for Stormwater Discharges Associated with Construction. This permit is required for projects which meet both of the following conditions

- One or more acres of soil surface area will be disturbed by construction activities; and
- The site already has offsite discharge to waters of the state or storm drains or will have offsite discharge during construction.

The applicant has been provided a copy of the DOE letter, and will be required to obtain any permits required (*See Condition G-2*).

#### Finding 4 – Water Resources

The proponent is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project.

#### **GEO-HAZARD:**

##### Finding 1 – Applicability

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. In accordance with the county GIS mapping system, the proposed development is within 100 feet of slope instability and adjacent to a severe erosion hazard area. The provisions of CCC 40.430, therefore, apply to this development.

##### Finding 2 – Geologic Hazard Issues

With the original application materials, the applicant submitted a preliminary geotechnical report that is dated February 10, 2009. Additional study was submitted on October 26, 2009 [*Exhibit 22*]. The proposed project shall implement recommendations identified in the preliminary geotechnical report unless further studies present new or different facts (*See Condition A-3-a*). The recommended setback from the top of the adjacent slope shall be clearly depicted on the engineering plans and final plat (*See Conditions A-3-b, D-3 and D-11-k*).

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities (*See Condition A-3-c*).

During construction, the geotechnical engineer shall certify that work performed is consistent with his recommendations and shall also certify that there are no safety concerns (*See Condition C-2*).

**Conclusion (Geo-Hazard):** Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County's geologic hazard area ordinance, and findings above, the examiner concludes that the proposed preliminary geotechnical engineering plan, subject to conditions identified above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

## **TRANSPORTATION:**

### **Finding 1 – Pedestrian/Bicycle Circulation Plan**

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with provisions of CCC 40.350.010. The proposal meets the pedestrian circulation code.

### **Finding 2 – Road Circulation**

The applicant has provided sufficient circulation to the east and south. Ultimately, the proposed NE 40<sup>th</sup> Avenue can be extended to the south to an existing stub of NE 40<sup>th</sup> Avenue. The project complies with the circulation plan requirements set forth in CCC 40.350.030(B)(2).

### **Finding 3 – Roads**

The applicant has proposed public roads identified as NE 124<sup>th</sup> Street and NE 40<sup>th</sup> Avenue. The roads shall meet minimum improvements associated with an “Urban Local Residential” road. The required minimum paved width is 28 feet. However, the applicant has proposed a 26-foot width. The applicant communicated via e-mail with staff on October 27<sup>th</sup> and stated a willingness to widen the proposed road to 28 feet [*Exhibit 30*]. Even so, this requirement will be placed as a condition (*See Condition A-4-a*). The on-site public road also does not appear to meet the minimum centerline radius of 70 feet per Table 40.350.030-4. This deficiency shall be corrected on the final engineering construction plans (*See Condition A-4-b*).

In compliance with CCC 40.350.030(B)(9)(b)(2), the applicant proposes an 80-foot diameter temporary turnaround at the terminus of the proposed NE 40<sup>th</sup> Avenue stub road. CCC 40.350.030(B)(9)(b)(2) indicates that removal of a temporary turnaround and extension of sidewalk shall be the responsibility of the developer who extends the road (*See Condition D-11-f*).

The applicant is responsible for providing all necessary transportation improvements required for each proposed phase (*See Condition A-4-c*).

All issues regarding plat note #7 associated with Greyhawk Ridge At Pleasant Valley Phase 2 shall be resolved prior to recordation of the final plat for proposed Phase 1 (*See Condition D-4*).

#### Finding 4 – Road Modification (EVR2009-00030)

The applicant initially requested a road modification (EVR2009-00030) “to allow for a private cul-de-sac while not requiring a stub street to the south which results in a varying block length.” In an email dated October 26, 2009, the applicant withdrew the road modification application [*Exhibit 24*].

#### Finding 5 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections (*See Condition A-4-d*).

The applicant submitted a sight distance certification letter dated June 20, 2009. The applicant performed sight distance analysis at the intersections of NE 43<sup>rd</sup> Avenue/NE 124<sup>th</sup> Street and NE 43<sup>rd</sup> Avenue/NE 119<sup>th</sup> Street. The applicant indicated vegetation must be trimmed back to the south and north of the intersection of NE 43<sup>rd</sup> Avenue/NE 124<sup>th</sup> Street in order to comply with the requirement for an uncontrolled intersection. The applicant indicates sight distance obstructions exist at least partially on private property to the north and south. (*See Condition A-4-e*).

**Conclusion (Transportation):** The examiner concludes that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

### TRANSPORTATION CONCURRENCY:

#### Finding 1 – Trip Generation

The applicant has submitted a traffic study under the provisions of CCC 40.350.020(D)(1). This study indicates that the proposed subdivision will consist of 9 new single-family detached home lots. The applicant’s traffic study has also estimated the weekday a.m. peak-hour trip generation at 7 new trips, while the p.m. peak-hour trip generation is estimated at 9 new trips, with average daily trips estimated at 86. These trip generations have been estimated using nationally accepted data published by the Institute of Transportation Engineers.

#### Finding 2 – Concurrency

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Staff has performed an evaluation of the operating levels and delay standards represented in the County's model. The County's model studies intersections and corridors of regional significance within the development area. The County's model yielded operating levels and delay standards, during the p.m. peak hour, with a LOS better than the minimum allowable LOS E for unsignalized intersections with the exception of NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street.

NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street

The intersection of NE 50<sup>th</sup> Avenue and NE 119<sup>th</sup> Street is projected operate at a LOS E in the 2012 Concurrency horizon and is also projected to meet signal warrants; thereby creating a Concurrency failure with the failing approaches being in the eastbound and westbound directions. The applicant's traffic study indicates that there are vehicle trips assigned to the failing approaches in the NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street intersection.

The applicant has submitted a volunteer letter ensuring mitigation at the intersection of NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street [Exhibit 29]. This mitigation has been proposed to offset the impacts of the Orchard at Salmon Creek Subdivision. Concurrency Staff has reviewed the proposed mitigation and concurs with the applicant's recommendation of a northbound right-turn lane at the intersection of NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street.

The applicant shall ensure the construction of a northbound right turn lane at the intersection of NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street to offset the transportation impacts of the proposed Orchard at Salmon Creek Subdivision. The construction shall include:

- A 75-foot long, 12-foot wide northbound right-turn lane with a 50-foot long taper; and,
- Related signing and striping associated with the volunteered improvement.

These mitigations should be constructed and operational prior to occupancy of any new residence (See *Transportation Concurrency Conditions A-6-a, E-1, and F-1*).

Based on the findings and ensured mitigation volunteered by the applicant, Staff has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

**Conclusion (Transportation Concurrency):** The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets transportation concurrency requirements of the Clark County Code.

**STORMWATER:**

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in CCC 40.380.030.



The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in CCC 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion, and a plan is required for all projects meeting applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

#### Finding 2 – Stormwater Proposal

The applicant has submitted a preliminary stormwater report dated June 29, 2009. The proposal indicates infiltration will be utilized for the purpose of water quantity control. On-site infiltration rates were measured in three locations. The infiltration rate of 35 inches per hour was obtained in the proposed location of the infiltration facility and using a safety factor of 2, a design infiltration rate of 17.5 inches per hour was utilized. Stormwater will not be infiltrated in individual lot infiltration systems except possibly on proposed Lots 2 and 10. The applicant indicates in the report a number of water quality best management practices will be considered, however, the plan depicts a proposed StormFilter. The applicant communicated via e-mail on October 26<sup>th</sup> that a StormFilter (Contech Stormwater Solutions) will be utilized [Exhibit 24]. In an email submitted to staff on November 19, the applicant clarified the proposed stormwater facilities are to be publicly owned and maintained [Exhibit 40].

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.00 inches. The 10-year/24-hour storm event precipitation depth is 3.00 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.00 inches.

#### Finding 3 – Site Conditions and Stormwater Issues:

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (See Condition A-7-a). The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c) (See Condition A-7-b).

Per CCC 40.380.040(H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities (See Condition A-7-c).

During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed (See Condition C-3).

Each individual proposed phase shall be designed with sufficient stormwater management facilities and comply with CCC 40.380 (See Condition A-7-d).

**Conclusion (Stormwater):** The examiner concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

### **FIRE PROTECTION:**

#### **Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 ext. 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

#### **Finding 2 – Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

#### **Finding 3 – Fire Flow**

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated to exceed 1,000 gpm.

#### **Finding 4 – Fire Hydrants**

Fire hydrants are required for this application. The indicated existing fire hydrant is adequate.

#### **Finding 5 – Fire Apparatus Access**

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access, and meet requirements of the Clark County Road Standard. The applicant shall ensure that fire apparatus access roads maintain an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition A-9*).

#### **Finding 6 – Fire Apparatus Turnarounds**

Fire apparatus turnarounds are required and, as shown, meet requirements of the Road Standards.

**Conclusion (Fire Protection):** The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

### **UTILITIES:**

#### **Finding 1 – Water and Sewer**

Lots resulting from the proposed subdivision are required to connect to public water and sewer. The site will be served Clark Public Utilities for water while Clark Regional Wastewater District will provide sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to final plat approval for each phase, the applicant shall provide documentation from the utilities indicated that water and sewer connections have been installed and approved (*See Conditions D-5 and D-6*).

#### Finding 2 – Health Department

Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (*See Condition A-10*).

**Conclusion (Utilities):** The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

#### **IMPACT FEES:**

##### Finding 1 – Existing Dwelling

As previously noted, there is an existing dwelling on the development site. Therefore, impact fees will be waived for Lot 1 upon which the residence is located. Said lot shall be identified on the final plat (*See Condition D-8*).

##### Finding 2 – Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic (TIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Battle Ground School District with a SIF of \$8,290.00 per dwelling;
- Park District #8 with a PIF of \$1,800.00 per dwelling (\$1,360.00 for acquisition and \$440.00 for development);

- Hazel Dell/Mt. Vista Transition sub-area with a TIF of \$5,344.37 per dwelling (\$1,870.53 – local and \$3,473.84 – regional).

Impact fees shall be paid prior to issuance of building permits for each new lot (*See Conditions D-9-d and E-3*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

#### **D. CONCLUSION**

Based on the above findings and discussion, the examiner concludes that PLD2009-00037, SEP2009-00062, WET2009-00048, EVR2009-00030 and GEO2009-00018 (Orchard at Salmon Creek) should be approved, because it does or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

#### **E. DECISION**

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD2009-00037, SEP2009-00062, WET2009-00048, EVR2009-00030 and GEO2009-00018 (Orchard at Salmon Creek) in general conformance with the applicant's preliminary plat (Exhibit 5 and the related plans, reports and proposal (Exhibits 6, 21, 22, 23, 24, 25 27, 28, 29, 33, 34 and 40). The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

### **Conditions of Approval**

<b>A</b>	<b>Final Construction Plan Review for Land Division Review &amp; Approval Authority: Development Engineering</b>
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Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (*See Archaeology Finding 1*)

**A-2 Wetlands:**

- a. The Existing Conditions Plan shall show the corrected existing wetland buffer. *(See Wetland Finding 2)*
- b. The applicant shall submit a final buffer averaging plan **or** apply for a Final Wetland Permit.
- c. Final Wetland Permit approval will be waived if existing wetland buffers and the finalized wetland buffer averaging plan are shown on the Grading and Engineering Construction Plans.

**A-3 Geo-Hazard -** The applicant shall submit and obtain County approval of a final geotechnical engineering plan designed in accordance with CCC 40.430 and the following conditions of approval:

- a. The proposed project shall implement recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. *(See Geo-Hazard Finding 2)*
- b. The recommended setback from top of the adjacent slope shall be clearly depicted on the engineering plans. *(See Geo-Hazard Finding 2)*
- c. A building permit is required for retaining walls greater than 4 feet tall or when groundwater is surcharged adjacent to the wall. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. *(See Geo-Hazard Finding 2)*

**A-4 Final Transportation Plan/On-Site -** The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The proposed roadways shall have a minimum paved width of 28 feet wide. *(See Transportation Finding 3)*
- b. The on-site public road shall have minimum centerline radii of 70 feet per Table 40.350.030-4. *(See Transportation Finding 3)*
- c. The applicant is responsible for providing all necessary transportation improvements required for each proposed phase. *(See Transportation Finding 3)*
- d. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. *(See Transportation Finding 5)*

- e. The applicant shall comply with the sight distance standards of CCC 40.350.030(B)(8) and vegetation must be trimmed back to the south and north of the intersection of NE 43<sup>rd</sup> Avenue and NE 124<sup>th</sup> Street. If a portion of the sight distance obstruction is on private property, the applicant shall make a “good faith” effort to have that portion removed. *(See Transportation Finding 5)*

**A-5 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-6 Final Transportation Plan/Off Site (Concurrency) -** The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall submit a signing and striping design for review and approval to the Public Works Transportation Division. This design shall show signing and striping and all related features for required frontage and offsite road improvements. The offsite road improvements may include signing and striping for the intersection of NE 119<sup>th</sup> Street/NE 50<sup>th</sup> Avenue. The applicant shall obtain a Work Order with Clark County to reimburse the County for the signing and striping changes needed along the frontage of this development and any offsite road improvements. *(See Transportation Concurrency Finding 2)*

**A-7 Final Stormwater Plan -** The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. *(See Stormwater Finding 3)*
- b. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). *(See Stormwater Finding 3)*

- c. Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. *(See Stormwater Finding 3)*
- d. Each individual proposed phase shall be designed with sufficient stormwater management facilities and comply with CCC 40.380. *(See Stormwater Finding 3)*

**A-8 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**A-9 Fire Marshal Requirements:** The applicant shall ensure that fire apparatus access roads maintain an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. *(See Fire Protection Finding 5)*

**A-10 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. *(See Utilities Finding 2)*

**A-11 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

**B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

**B-4 Demolition Permits** - Prior to demolition and/or removal of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. *(See Land Use Finding 5)*

**B-5Contamination** - If during the course of construction activities on the site contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. *(See Department of Ecology Finding 1)*

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

**C-1 Wetlands and Buffers** – Prior to Phase 1, permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.), and posting of approved signage on each future lot or every 100 feet of the boundary, whichever is less.

**C-2 Geo-Hazard:**

- a. During construction, the geotechnical engineer shall certify that work performed is consistent with his recommendations and shall also certify that there are no safety concerns. *(See Geo-Hazard Finding 2)*
- b. Certification required in C-2-a- above shall be submitted prior to final inspection approval. *(See Geo-Hazard Finding 2)*

**C-3 Stormwater:** The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. *(See Stormwater Finding 3)*

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1** In accordance with CCC 40.220.010(C)(7), a recorded covenant shall be placed on those areas or tracts from which density is transferred prohibiting any development of the parcel or tract inconsistent with its intended use. Said covenant shall be recorded with Phase 1. *(See Land Use Finding 1)*

**D-2 Wetlands:**

- a. Tract A shall contain all wetlands and wetland buffers and shall be included in the Phase I plat. *(See Land Use Finding 3)*



- b. The wetland and buffer boundaries shall be delineated on the face of the final plat.
  - c. Prior to recordation of the final plat for Phase 1, the applicant shall record a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.
  - d. Final Wetland Permit approval shall be required if Conditions in A-2 above are not met.
- D-3 Geologic Hazard** - The recommended setback from the top of the adjacent slope shall be clearly depicted on the final plat. *(See Geo-Hazard Finding 2)*
- D-4** The applicant shall comply with plat note #7 associated with Greyhawk Ridge At Pleasant Valley Phase 2 prior to recordation of the final plat for proposed Phase 1. *(See Transportation Finding 3)*
- D-5** For each phase, the applicant shall provide documentation from Clark Public Utilities that water connections to the new lots have been installed and approved. *(See Utilities Finding 1)*
- D-6** For each phase, the applicant shall provide documentation from Clark Regional Wastewater District that public sewer connections to the new lots have been installed and approved. *(See Utilities Finding 1)*
- D-7 Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-8 Impact Fees** –The final plat shall identify that impact fees are waived for the existing residence on Lot 1. *(See Impact Fee Finding 1)*
- D-9 Developer Covenant** - A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

- c. Impact Fees: "In accordance with CCC 40.610, except for one (1) lot with the existing dwelling and designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$8,290.00 (Battle Ground School District); \$1,800.00 (\$1,360.00 for acquisition and \$440.00 for development for Park District #8); and \$5,344.37 (\$1,870.53 – local and \$3,473.84 – regional) Hazel Dell/Mt. Vista Transition sub-area respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-10 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-11 Plat Notes** - The following notes shall be placed on the final plat:

- a. Temporary Turnaround Setback: Where a temporary turnaround easement constitutes all or part of the front lot line, front setbacks shall be a minimum of ten (10) feet from the temporary easement for the dwelling and fifteen (15) feet for the associated garage. This note shall expire when NE 40<sup>th</sup> Avenue is extended and the temporary turnaround is removed. *(See Land Use Finding 4)*
- b. Lot Coverage: Maximum lot coverage for all structures on individual lots is fifty percent (50%). *(See Land Use Finding 4)*
- c. Mobile Homes: "Mobile homes are prohibited on all lots within this subdivision under provisions of CCC 40.260.130."
- d. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." *(See Archaeological Finding 1)*
- e. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- f. Temporary Turnaround: "Removal of a temporary turnaround and extension of sidewalk shall be the responsibility of the developer who extends the road."

- g. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- h. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- i. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- j. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: \_\_\_\_\_."
- k. Geotechnical Setback: "If a house is proposed to be constructed within the geohazard area setback, additional geotechnical engineering analysis shall be performed and approved by the County prior to issuance of the associated individual building permit. County analysis approval shall also constitute acceptance of the associated modification of the geohazard setback shown on the plat without requiring a plat alteration or plat modification."

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Transportation (Concurrency)** - Prior to issuance of a building permit for any new residence, the applicant shall ensure that the construction drawings for the construction of a northbound right-turn lane at the intersection of NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street are submitted for review and approval. The construction drawings shall include a 75-foot long, 12-foot wide northbound right-turn lane with a 50-foot long taper and related signing and striping associated with the volunteered improvement. *(See Transportation Concurrency Finding 2)*
- E-2 Fire Marshal**: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Fire Protection Finding 2)*
- E-3 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

- a. \$8,290.00 per dwelling for School Impact Fees (Battle Ground School District);
- b. \$1,800.00 per dwelling for Park Impact Fees (\$1,360.00 for acquisition and \$440.00 for development – Park District #8);
- c. \$5,344.37 per dwelling for Traffic Impact Fees (\$1,870.53 – local and \$3,473.84 – regional in Hazel Dell/Mt. Vista Transition sub-area);

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. *(See Impact Fees Finding 2)*

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Transportation (Concurrency)** - The applicant shall ensure the construction a northbound right-turn lane at the intersection of NE 50<sup>th</sup> Avenue/NE 119<sup>th</sup> Street is completed and operational prior to occupancy of any new residence. This construction shall include a 75-foot long, 12-foot wide northbound right-turn lane with a 50-foot long taper and related signing and striping associated with the volunteered improvement, or, other mitigations approved by the County. All work shall be performed unless modified by the Public Works Director. *(See Transportation Concurrency Finding 2)*

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

- G-3 Building and Fire Safety** - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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**H-1 None**

DATED this 4<sup>th</sup> day of December 2009.

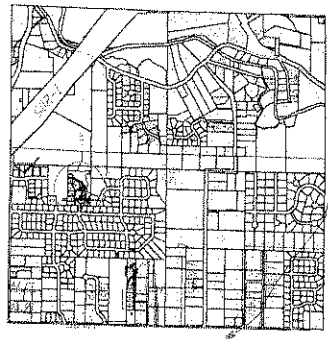


Joe Turner, AICP, Hearings Examiner

**PRELIMINARY PLAN APPROVED**  
 Subject to Conditions  
 Case# B2009-Exhibit# 23  
 Initial DA Date 12/14/09

**REVISED**  
 10/26/09

**EXHIBIT # 23**



JOHN CONNOR, INC. - JAMES HESTON  
 6400 NE HWY 99, SUITE 100  
 VANCOUVER, WA 98005  
 TEL: 206-451-1800 FAX: 206-451-1877  
 JAMES@JOHNCONNOR.COM

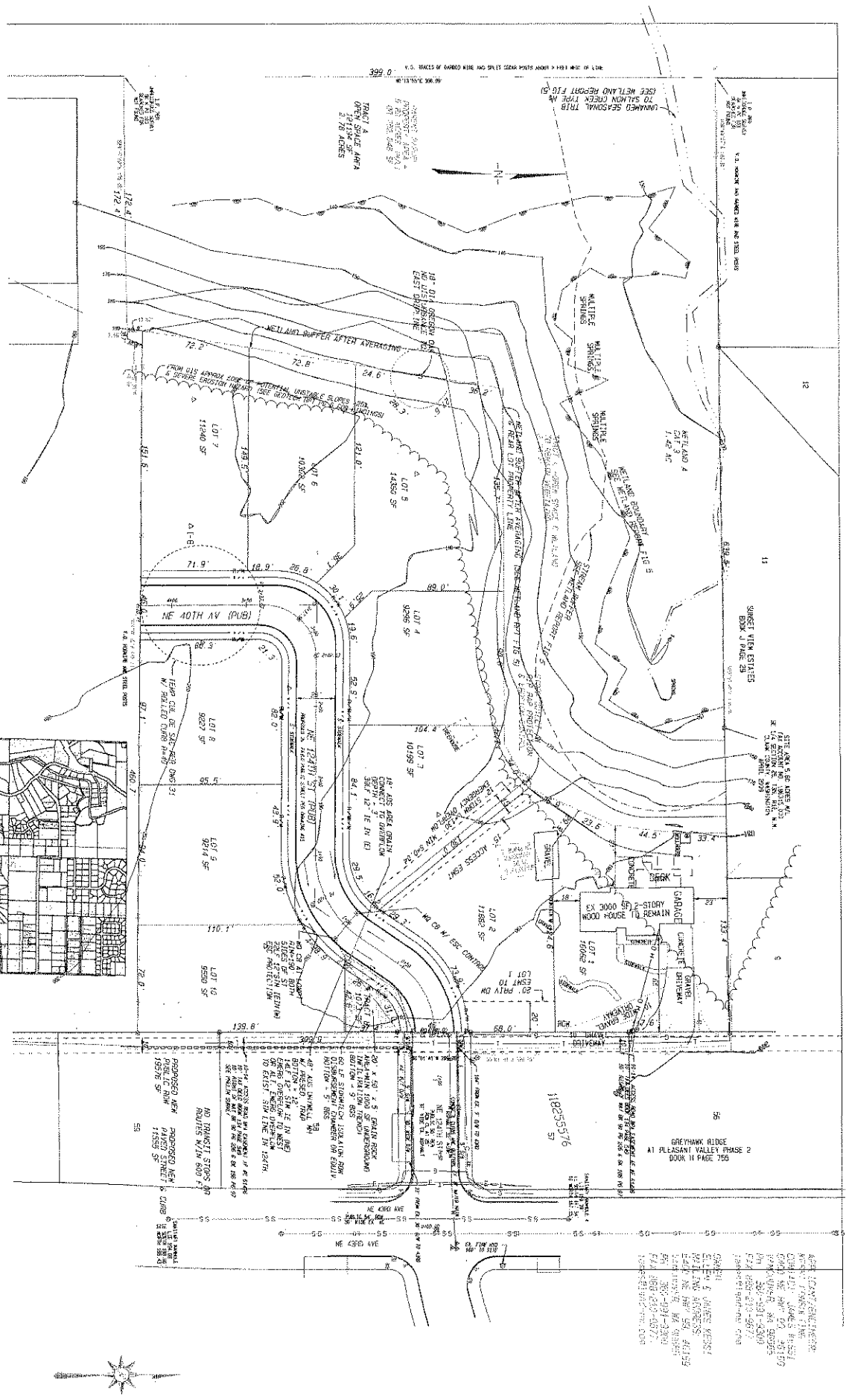
PROJECT NUMBER: JAMES HESTON  
 TITLE: PRELIMINARY PLAN  
 DATE: 12/14/09  
 DRAWN BY: JAMES HESTON  
 CHECKED BY: JAMES HESTON

DATE: 12/14/09  
 DRAWN BY: JAMES HESTON  
 CHECKED BY: JAMES HESTON

REVISIONS  
 NO. DESCRIPTION DATE

**THE ORCHARD at SALMON CREEK**  
 PROPOSED SUBDIVISION PLAN

APPLICANT:  
 KESST CONSULTING  
 6400 NE HWY 99, #6109  
 VANCOUVER, WA 98005  
 Phone (206) 991-5100



# HEARING EXAMINER EXHIBITS

Project Name: THE ORCHARD AT SALMON CREEK SUBDIVIS



Case Number: PLD2009-00037; SEP2009-00062; WET2009-00048; EVR2009-00030; GEO2009-00018

Hearing Date: November 22, 2009

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	6/30/09	Applicant: Kessi Consulting	Proposed Subdivision Plans
6	6/30/09	Applicant: Kessi Consulting	Application Packet: Application Form, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Det, Approved Prelim Plats abutting Site, Preliminary Boundary Survey, GeoTech Rpt, Stormwater Pre-Lim Plan, Traffic Study, SEPA, Arc Pre-Determination, Sewer Purveyors Utility Rev, Water Purveyor Utility Rev, Health Dist Dev Review, Assoc. Applications: Soil Analysis, Geotech Study, Wetland Buffer Modification, Design Rd Mod, Site Distance Ltr & School Busing Ltr
7	7/21/09	CC Development Services	<u>Not</u> Fully Complete Determination
8	9/15/09	CC Development Services	Development Review Fully Complete Determination
9	10/1/09	CC Development Services	Notice of Type III Dev Review, Optional SEPA Determination & Public Hearing
10	10/1/09	CC Development Services	Affidavit of Mailing Public Notice
11	10/8/09	CC Development Services	Wetland Determination
12	10/8/09	CC Development Services	Aerial With White Oak Location
13	10/13/09	Southwest Clean Air Agency	SEPA Comment
14	10/14/09	CC Development Services	Early Issues Email to Applicant
15	10/16/09	Teri Hall	Public Comment Letter
16	10/16/09	Department of Ecology	SEPA Comment

17	10/20/09	CC Development Services	Email Forwarding Public Comments to Applicant
18	10/20/09	Pat and Gregg Levitt on Behalf of Greyhawk Ridge HOA	Email Requesting Information Regarding Proposed Subdivision and Staff Response
19	10/21/09	CC Development Services	Email to Applicant Extending "Early Issues" Deadline
20	10/21/09	CC Development Services	Email Forwarding Levitt Comments to Applicant
21	10/26/09	Applicant: Kessi Consulting	Revised Phasing and Density Transfer Narrative
22	10/26/09	Applicant: Kessi Consulting	Revised Geotechnical Engineering Study
23	10/26/09	Applicant: Kessi Consulting	Revised Plans: Cover and Phasing Plan; Proposed Plan; Storm, Street, and Utilities Plan; and Topographic Survey
24	10/26/09	Applicant: Kessi Consulting	Email Identifying Submittal Items and Withdrawing Road Modification
25	10/22/09	Michelle McGraw, Ecological Land Services, on behalf of the Applicant	Additional Wetland Information
26	10/22/09	CC Development Services	Staff Response to Additional Wetland Information
27	10/26/09	Michelle McGraw, Ecological Land Services, on behalf of the Applicant	Revised Wetland Rating Form
28	10/26/09	Michelle McGraw, Ecological Land Services, on behalf of the Applicant	Revised Figure 2A Wetland Form
29	10/27/09	Applicant: Kessi Consulting	Concurrency Off-Site Voluntary Mitigation Letter
30	10/28/09	CC Development Engineering	Email Regarding On-site Road Width
31	10/30/09	Applicant: Kessi Consulting	Affidavit of Posting Land Use Sign
32	11/3/09	Gregg and Pat Levitt	Email On Greyhawk Ridge Easements
33	11/4/09	Applicant: Kessi Consulting	Response to Greyhawk Ridge HOA Public Comments
34	11/4/09	Applicant: Kessi Consulting	Response to Hall Public Comment
35	11/4/09	CC Development Services	Recorded Plat for Greyhawk Ridge at Pleasant Valley Phase 2



36	11/5/0	CC Development Services	Lot Calculations
37	11/6/09	CC Development Services	Notice of Public Hearing
38	11/9/09	CC Development Services	Affidavit of Posting Public Notice
39	11/9/09	CC Development Services – Vicki Kirsher, the Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation
40	11/19/09	Applicant: Kessi Consulting	Email Clarifying that Stormwater Facilities will be Public
41	11/24/09	CC Development Engineering	Engineering Addendum
42	11/24/09	CC Development Services	Power Point Pictures

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division  
1300 Franklin Street  
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